

08/02/2019

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

JULIA C. DUDLEY, CLERK
BY: *H. Wheeler*
DEPUTY CLERK

UNITED STATES OF AMERICA,

v.

BENJAMIN DALEY, MICHAEL MISELIS, &
THOMAS GILLEN,

Defendants.

CASE NO. 3:18-cr-00025

ORDER

JUDGE NORMAN K. MOON

The Court is in receipt of Defendants Daley, Miselis, and Gillen's motions for release pending appeal pursuant to 18 U.S.C. § 3143(b). (Dkts. 139, 146, 147). Although the Court noted at Defendants' sentencing hearings that it was not inclined at that time to grant Defendants' motions, judgments have now been entered for all three defendants, and all three defendants have now filed their notices of appeal. The Courts finds that the briefing submitted on behalf of all three defendants fails to adequately address these defendants' propensity for flight and possible danger to the community. *See* 18 U.S.C. § 3143(b)(1)(A). Moreover, the briefing does not address with adequate specificity how conditions of release could be crafted under 18 U.S.C. § 3142(c).

Defendants are hereby **ORDERED** to submit additional briefing addressing both of these matters on or before **August 16, 2019**. Defendants' supplemental briefing should address with specificity the conditions of release that could be crafted under 18 U.S.C. § 3142(c)(1)(B), particularly with respect to § 3142(c)(1)(B)(xi). The Government's replies to this supplemental briefing shall be due on or before **August 25, 2019**.

It is so **ORDERED**.

The Clerk of the Court is hereby directed to send a certified copy of this order to all counsel of record.

Entered this 2nd day of August, 2019.


NORMAN K. MOON
SENIOR UNITED STATES DISTRICT JUDGE